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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,306	09/30/2003	Joseph P. Bigus	YOR920030270US1	4089
29154 7590 05/21/2009 FREDERICK W. GIBB, III Gibb Intellectual Property Law Firm, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401				
EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
MAIL DATE		DELIVERY MODE		
05/21/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/674,306

**Applicant(s)**

BIGUS ET AL.

**Examiner**

DANIEL LASTRA

**Art Unit**

3688

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/10/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 37 and 38 has been examined. Application 10/674,306 (METHOD FOR COMPUTING PRICE DISCOUNTS IN AN E-COMMERCE ENVIRONMENT) has a filing date 09/30/2003.

### **Response to Amendment**

2. In response to Non Final Rejection filed 11/17/2008, the Applicant filed an Amendment on 02/10/2009, which amended claim 1 and added new claims 37 and 38. Applicant's amendment overcame the Section 101 rejection.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Iannacci (US 2002/0062249).

Claims 1, 37 and 38 Iannacci teaches:

A computer-readable programmable storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform operations supporting a method of computing price discounts for an electronic commerce order, the operations comprising:

categorizing applicable price discounts for an individual customer order (see paragraph 129);

computing valid combinations of price discounts for said individual customer order (see paragraph 129);

combining said valid combinations of price discounts into a price discount group (see paragraph 129, 244);

selecting an optimal price discount based on said price discount group and outputting said optimal price discount (see paragraph 310-328);

wherein said individual customer order comprises at least one order line item, wherein said at least one order line item comprises a unique item identifier, a quantity ordered identifier, and a price per unit identifier for each item being ordered (see paragraph 310-328),

wherein said unique item identifier comprises a stock keeping unit (SKU) identifier (see paragraph 216), wherein said applicable price discounts are based on a customer's identity, date of order, identities of individual items purchased, combinations of items purchased, quantity of items purchased, and total price of items purchased, wherein said price discounts comprise a fixed percentage off price discount, a fixed dollar amount off price discount, a free merchandise rebate price discount, and a combination discount thereof (see paragraphs 311-328), and

wherein a discount object command is created when said price discount group is selected, wherein said discount object command binds said price discounts to a respective item in said order (see paragraph 129, 311-328)

and wherein a priority controller mechanism operates to prioritize a sequential order for evaluating said applicable price discounts (see paragraphs 240, 314-322, 378 489).

#### ***Response to Arguments***

4. Applicant's arguments filed 02/10/2009 have been fully considered but they are not persuasive. The Applicant argues that the prior art does not teach "computing valid combination of price discounts for said individual customer order and combining said valid combinations of price discounts into a price discount group" because according to the Applicant, the prior art determines only a single "highest value benefit offer". The Examiner answers that Applicant's claimed invention is based upon finding the best allowable group of discount to be applied to an order (see paragraph 11) that provides a greatest amount of savings when compared to other discounts (see paragraph 31). Discount group are defined as rule to applied to an order such for example DiscountGroup A is defined as providing a total discount of \$15 from a purchase of item "sku 194", DiscountGroup B as providing a total discount of \$11 for purchasing item "sku 225" and DiscountGroup C as providing a total discount of \$20 for purchasing item "sku 194" and "sku 192" (see page 17). Therefore, DiscountGroup are rules to apply to an order as there is no relationship between DiscountGroup A and DiscountGroup B or DiscountGroup C and DiscountGroup B as there are different products in said groups. Therefore, if a person purchase item "sku 194" and item "sku 225", Applicant's claimed invention would combine the discount obtain from DiscountGroup A and the DiscountGroup B to obtain a total discount of \$26 which would be DiscountGroup E.

DiscountGroup H would be obtained by combining DiscountGroup C and D when a person purchased items "sku 194, 192, 225, and 138". Therefore, when Applicant's specification recites that DiscountGroup H is the best offer is because instead of applying only Discount Group A to an order that includes items "sku 194, 192, 225, and 138", Applicant's claimed invention finds that other Discounts groups in this case Discount Group C and D also applies to said order and therefore, combines said Discounts to apply to said order in order to obtain the biggest discount possible. Iannacci does the same, such for example, in Iannacci, DiscountGroup 1 would be purchased Tide Detergent and get \$1.00 manufacturer coupon, DiscountGroup 2 would be purchased Dole pineapple and get 25 cents Shaw's Discount, DiscountGroup 3 would be a 10% loyalty discount for all items in a transaction if a user uses a Shaw's Saver card, DiscountGroup 4 Visa 3 miles per dollar Discount Group 5 American Express offers 2 for 1 and Mastercard offers 1 for 1. Therefore, if for example, a consumer's shopping cart at Shaw's supermarket contains a twelve once can of Dole pineapple, a five pound box of Tide laundry detergent, one gallon of Garelick 2% milk and sixteen ounce loaf of Pepperidge Farm Canadian Bread (see paragraphs 310-319). The Iannacci's system instead of charging said consumer full price for said order or simply only applying for example, Discount Group 1 to said order, as said consumer is oblivious to any offer, the Iannacci's system would find the biggest discount to apply to said order by combining Discount Group 1, Discount Group 2, Discount Group 3 (i.e. automatically opening a Shaw's Saver card and applying to the order) and Discount Group 4 (paying with Visa instead of Mastercard) in order to give said consumer the

best possible discount and offer without said consumer having any knowledge of the offer available in said supermarket. Therefore, contrary to Applicant's argument, the prior art teaches Applicant's claimed invention.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIEL LASTRA** whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/  
Examiner, Art Unit 3688  
May 20, 2009